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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,471

11/26/2003

Daniel K. Tor

ASH03009

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25537 7590 02/02/2011

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EXAMINER

MILLER, ALAN S

ART UNIT

PAPER NUMBER

3624

NOTIFICATION DATE

DELIVERY MODE

02/02/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/721,471	Applicant(s) TOR ET AL.	
	Examiner ALAN MILLER	Art Unit 3624	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 January 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1 - 19 and 21.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/LYNDA C JASMIN/
 Supervisory Patent Examiner, Art Unit 3624

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 1/24/2010 have been fully considered but they are not persuasive.

In regards to Applicant's arguments regarding the 112 1st rejection of claims 1 - 17, it has been held that when the written description does not explicitly disclose a limitation added to a claim, "it must be shown that a person of ordinary skill in the art would have understood, at the time the application was filed, that the description requires that limitation" (Hyatt v. Boone, 47 USPQ2d 1128).

Further, it has been held that what would have been obvious to one of ordinary skill in the art is not the test. Possession of the invention must be shown by the written description and "does not extend to subject matter not disclosed but that would have been obvious over what is expressly disclosed" (Lockwood v. American Airlines Inc. 41 USPQ 1961).

Applicant points to paragraphs [0001] [0002], [0006]~ [0008], [0016], [0030], [0034], [0057], [0062] and [0066] as evidence of support for the limitation 'visitation in person with said inmate at a correctional facility in which the inmate is housed'. None of these paragraphs, either expressly, inherently or implicitly discloses 'visitation in person'. Since the Hesse reference discloses visitations with inmates in the same facility, but not necessarily in person, it would not have been obvious or inherent or express or implicit to one of ordinary skill that being in the same facility means 'visitation in person'. The 112 1st rejections of claims 1 - 17 are maintained.

Applicant argues, in regards to claim 1, that Hesse in view of Doss, fails to teach the recited structure of claim 1.

Claim 1 broadly recites 'means for determining via a prison interface if an inmate has visitation privileges; means for receiving a visitation request only from an inmate having said visitation privileges for a plurality of potential visitors to attend the same visitation, each of said potential visitors being named in said request by said privileged inmate; means for sending a registration request to each of the plurality of potential visitors based upon the received visitation request; means for receiving registration information from each of said plurality of potential visitors based upon the sent registration request; means, responsive to operation of said registration information receiving means, for determining whether the visitation request from the privileged inmate is approved or disapproved; means for communicating the approval or disapproval of the visitation request; and means, operative in response to said registration receiving means, for permitting one of said plurality of said potential visitors to schedule said same visitation for all of said plurality of potential visitors if said visitation request is approved.'. Since the combination of Hesse and Doss disclose at least equivalent structure to those claimed in claim 1, the claims are met by the combination (see MPEP 2183). Applicant argues that since certain steps are not performed, the next steps could not be performed. However, the claim merely calls for the structure (e.g. means for) to allow said steps to happen. Further, if Applicant is arguing that some steps will occur only in alternative, then, accordingly, once the positively recited steps are satisfied, the method as a whole is satisfied -- regardless of whether or not other steps are conditionally invocable under certain other hypothetical scenarios. [See: In re Johnston, 77 USPQ2d 1788 (CA FC 2006); Intel Corp. v. Int'l Trade Comm'n, 20 USPQ2d 1161 (Fed. Cir. 1991); MPEP §2106 II C].

Applicant further argues that Hesse and Doss are not combinable. Examiner respectfully disagrees. Both Hesse and Doss are for use in scheduling meetings. Whether the meetings are for inmates or for other people does not affect how a scheduling is performed. Further, Doss was used to teach that in person meetings are scheduled in the same manner that teleconference meetings are scheduled. Therefore, it would have been obvious to one of ordinary skill in the art to include in the means for receiving a visitation request for a meeting located in a secure area of the jail for use by visitors of Hesse the ability to choose an in person meeting or teleconference meeting request as taught by Doss since the claimed invention is merely a combination of old elements, and one of ordinary skill in the art would have recognized that it would produce a predictable result of using the system to indicate whether or not the meeting is in person, and it would have been further obvious since the systems would behave the same way whether the meeting was in person or in the same facility or with a teleconference.

The previous rejection of claims 1 - 17 is maintained, and the action stands as FINAL.